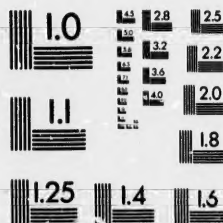


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A  
B I L L

TO

Repeal certain Parts of an Act, passed in the  
Fourteenth Year of His Majesty's Reign,  
intituled, "An Act for making more  
" effectual Provision for the Government  
" of the Province of *Quebec*, in *North*  
" *America*;" and to make further Provi-  
sion for the Government of the said  
Province.

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Ordered to be printed 7th March 1791.



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# B I L L

T O

Repeal certain Parts of an Act, passed in the Fourteenth Year of His Majesty's Reign, intituled, "An Act for making more effectual Provision for the Government of the Province of *Quebec*, in *North America*;" and to make further Provision for the Government of the said Province.

Note.—The Figures in the Margin denote the Number of the Folios in the written Copy.

**W**HEREAS an Act was passed in the Fourteenth Year of the Reign of His present Majesty, intituled, "An Act for making more effectual Provision for the Government of the Province of *Quebec*, in *North America*;"

And whereas the said Act is in many Respects inapplicable to the present Condition and Circumstances of the said Province:

And whereas it is expedient and necessary that further Provision should now be made for the good Government and Prosperity thereof:

A

May

May it therefore please Your Most Excellent MAJESTY,

That it may be Enacted; ~~And be it Enacted~~ by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act as in any Manner relates to the Appointment of a Council for the Affairs of the said Province of *Quebec*, or to the Power given by the said Act to the said Council, or to the major Part of them, to make Ordinances for the Peace, Welfare, and good Government of the said Province, with the Consent of His Majesty's Governor, Lieutenant Governor, or Commander in Chief for the Time being, shall be and the same is hereby repealed.

And whereas His Majesty has been pleased to signify, by His Message to both Houses of Parliament, His Royal Intention to divide His Province of *Quebec* into Two separate Provinces, to be called *The Province of Upper Canada*, and *The Province of Lower Canada*; Be it Enacted by the Authority aforesaid, That  
 3 there shall be within each of the said Provinces respectively a Legislative Council, and an Assembly, to be severally composed and constituted in the Manner hereinafter described; and that in each of the said Provinces respectively His Majesty, His Heirs or Successors, shall have Power, during the Continuance of this Act, by and with the Advice and Consent of the Legislative Council and Assembly of such Provinces respectively, to make Laws for the Peace, Welfare, and good Government thereof, such Laws not being repugnant to this Act; and that all such Laws, being passed by the Legislative Council and Assembly of either of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, or assented to in  
 4 His Majesty's Name, by such Person as His Majesty, His Heirs or Successors, shall from Time to Time appoint to be the Governor or Lieutenant Governor of such Province, or by such Person as His Majesty, His Heirs or Successors, shall from Time to Time appoint to administer the Government within the same in the Absence of such Governor or Lieutenant Governor, shall be, and the same are hereby declared to be, by virtue of, and under the Authority of this Act, valid and binding to all Intents and Purposes whatever, within the Province in which the same shall have been so passed.

And

And be it further Enacted by the Authority aforesaid, That for the Purpose of constituting such Legislative Council as aforesaid in each of the said Provinces respectively, it shall and may be lawful for His Majesty, His Heirs or Successors, by any Instrument under His or their Sign Manual, to authorize and direct the Governor or Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, within the Time hereinafter mentioned, in His Majesty's Name, and by an Instrument under the Great Seal of such Province, to summon to the said Legislative Council, to be established in each of the said Provinces respectively, a sufficient Number of discreet and proper Persons, being not fewer than 5  
 to the Legislative Council for the Province of *Upper Canada*, and not fewer than 6  
 to the Legislative Council for the Province of *Lower Canada*; and that it shall also be lawful for His Majesty, His Heirs or Successors, from Time to Time, by any Instrument under His or their Sign Manual, to authorize and direct the Governor or Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, to summon to the Legislative Council of such Province, in like Manner, such other Person or Persons as His Majesty, His Heirs or Successors, shall think fit; and that every Person who shall be so summoned to the Legislative Council of either of the said Provinces respectively, shall thereby become a Member of such Legislative Council to which he shall have been so summoned.

Provided always, and be it Enacted by the Authority aforesaid, That no Person shall be summoned to the said Legislative Council, in either of the said Provinces, who shall not be of the full Age of 7  
 Years, and a natural-born Subject of His Majesty, or a Subject of His Majesty naturalized by Act of the *British* Parliament, or a Subject of His Majesty, having become such by the Conquest and Cession of the Province of *Canada*.

And be it further Enacted by the Authority aforesaid, That every Member of each of the said Legislative Councils shall hold his Seat therein for the Term of his Life, but subject nevertheless to the Provisions hereinafter contained for vacating the same, in the Cases hereinafter specified,

And be it further Enacted by the Authority aforesaid, That whenever His Majesty, His Heirs or Successors, shall think proper to to

to confer upon any Subject of the Crown of *Great Britain*, by Letters Patent under the Great Seal of either of the said Provinces, any Hereditary Title of Honour, Rank, or Dignity of such Province, descendible according to any Course of Descent limited in such Letters Patent, it shall and may be lawful for His Majesty, His Heirs or Successors, to annex thereto, by the said Letters Patent, if His Majesty, His Heirs or Successors, shall so think fit, an Hereditary Right of being summoned to the Legislative Council of such Province, descendible according to the Course of Descent so limited with respect to such Title, Rank, or Dignity; and that every Person to whom such Right shall severally so descend, shall thereupon be entitled to demand from the Governor, Lieutenant Governor, or Person administering the Government of such Province, his Writ of Summons to such Legislative Council, at any Time after he shall have attained the Age of                      Years, subject nevertheless to the Provisions hereinafter contained.

Provided always, and be it further Enacted by the Authority aforesaid, That when and so often as any Person to whom such Hereditary Right shall have descended shall, without the Permission of His Majesty, His Heirs or Successors, signified to the Legislative Council of the Province by the Governor, Lieutenant Governor, or Person administering the Government there, have been absent from the said Province for the Space of                      Years continually, at any Time between the Date of his succeeding to such Right and the Time of his applying for such Writ of Summons, if he shall have been of the Age of                      Years or upwards at the Time of his so succeeding, or at any Time between the Date of his attaining the said Age and the Time of his so applying, if he shall not have been of the said Age at the Time of his so succeeding; and also when and so often as any such Person shall at any Time, before his applying for such Writ of Summons, have taken any Oath of Allegiance or Obedience to any Foreign Prince or Power, in every such Case such Person shall not be entitled to receive any Writ of Summons to the Legislative Council by virtue of such Hereditary Right, unless His Majesty, His Heirs or Successors, shall at any Time think fit, by Instrument under his or their Sign Manual, to direct that such Person shall be summoned to the said Council; and the Governor, Lieutenant Governor, or Person administering the Government in the said Provinces respectively, is hereby authorized and required, previous to granting such Writ of Summons to any Person so applying for the same, to interrogate such Person upon Oath touching



ing the said several Particulars, before such executive Council as shall have been appointed by His Majesty, His Heirs or Successors, within such Province, for the Affairs thereof. 11

Provided also, and be it further Enacted by the Authority aforesaid, That if any Member of the Legislative Councils of either of the said Provinces respectively shall leave such Province, and shall reside out of the same for the Space of Years continually, without the Permission of His Majesty, His Heirs or Successors, signified to such Legislative Council by the Governor or Lieutenant Governor, or Person administering His Majesty's Government there, or for the Space of Years continually, without the like Permission, or the Permission of the Governor, Lieutenant Governor, or Person administering the Government of such Province, signified to such Legislative Council in the Manner aforesaid; or if any such Member shall take any Oath of Allegiance or Obedience to any Foreign Prince or Power; his Seat in such Council shall thereby become vacant. 12

Provided also, and be it further Enacted by the Authority aforesaid, That in every Case where a Writ of Summons to such Legislative Council shall have been lawfully withheld from any Person to whom such Hereditary Right as aforesaid shall have descended, by Reason of such Absence from the Province as aforesaid, or of his having taken an Oath of Allegiance or Obedience to any Foreign Prince or Power, and also in every Case where the Seat in such Council of any Member thereof, having such Hereditary Right as aforesaid, shall have been vacated by Reason of any of the Causes hereinbefore specified, such Hereditary Right shall remain suspended during the Life of such Person, unless His Majesty, His Heirs or Successors, shall afterwards think fit to direct that he be summoned to such Council; but that on the Death of such Person such Right, subject to the Provisions herein contained, shall descend to the Person who shall next be entitled thereto, according to the Course of Descent limited in the Letters Patent by which the same shall have been originally confirmed. 13

Provided also, and be it further Enacted by the Authority aforesaid, That if any Member of either of the said Legislative Councils shall be attainted for Treason or Felony in any Court of Law within any of His Majesty's Dominions, his Seat in such Council shall thereby become vacant, and any such Hereditary Right as aforesaid then vested in such Person, or to be de-

14 rived to any other Persons through him, shall be utterly forfeited and extinguished.

Provided also, and be it further Enacted by the Authority aforesaid, That whenever any Question shall arise respecting the Right of any Person to be summoned to either of the said Legislative Councils respectively, or respecting the Vacancy of the Seat in such Legislative Council of any Person having been summoned thereto, every such Question shall, by the Governor or Lieutenant Governor of the Province, or by the Person administering the Government there, be referred to such Legislative Council, to be by the said Council heard and determined; and that it shall and may be lawful either for the Person desiring such Writ of Summons, or for the Person respecting whose Seat such Question shall have arisen, or for His Majesty's Attorney General of such Province in His Majesty's Name, to appeal from the Determination of the said Council, in such Case, to His Majesty in His Parliament of *Great Britain*; and that the Judgment of His Majesty in His said Parliament shall be final and conclusive to all Intents and Purposes whatever.

And be it further Enacted, by the Authority aforesaid, That the Governor or Lieutenant Governor of the said Provinces respectively, or the Person administering His Majesty's Government therein respectively, shall have Power and Authority from Time to Time, by an Instrument under the Great Seal of such Province, to constitute, appoint, and remove the Speakers of the Legislative Councils of such Provinces respectively.

And be it further Enacted by the Authority aforesaid, That, for the Purpose of constituting such Assembly as aforesaid, in each of the said Provinces respectively, it shall and may be lawful for His Majesty, His Heirs or Successors, by any Instrument under His or their Sign Manual, to authorize and direct the Governor or Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, with-  
16 in the Time hereinafter mentioned, and thereafter from Time to Time, as Occasion shall require, in His Majesty's Name, and by an Instrument under the Great Seal of such Province, to summon and call together an Assembly in and for such Province.

And be it further Enacted by the Authority aforesaid, That, for the Purpose of electing the Members of such Assemblies respectively,



spectively, it shall and may be lawful for His Majesty, His Heirs or Successors, by any Instrument under His or their Sign Manual, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, within the Time hereinafter mentioned, to issue a Proclamation dividing such Province into Districts, or Counties, or Circles, and Towns or Townships, and appointing the Limits thereof, and declaring and appointing the Number of Representatives to be chosen by each of such Districts, or Counties, or Circles, and Towns or Townships respectively; and that it shall also be lawful for His Majesty, His Heirs or Successors, to authorize such Governor or Lieutenant Governor, or Person administering the Government, from Time to Time to nominate and appoint proper Persons to execute the Office of Returning Officer in each of the said Districts, or Counties, or Circles, and Towns or Townships respectively; and that such Division of the said Provinces into Districts, or Counties, or Circles, and Towns or Townships, and such Declaration and Appointment of the Number of Representatives to be chosen by each of the said Districts, or Counties, or Circles, and Towns or Townships respectively, and also such Nomination and Appointment of Returning Officers in the same, shall be valid and effectual to all the Purposes of this Act, unless it shall at any Time be otherwise provided by any Act of the Legislative Council and Assembly of the Province assented to by His Majesty, His Heirs or Successors. 17

Provided always, and be it further Enacted by the Authority aforesaid, That no Person shall be obliged to execute the said Office of Returning Officer for any longer Time than or oftener than Once, unless it shall at any Time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors. 18

Provided also, and be it Enacted by the Authority aforesaid, That the whole Number of Members to be chosen in the Province of *Upper Canada* shall not be less than and that the whole Number of Members to be chosen in the Province of *Lower Canada* shall not be less than 19

And be it further Enacted by the Authority aforesaid, That Writs for the Election of Members to serve in the said Assemblies respectively shall be issued by the Governor, Lieutenant Governor, or Person administering His Majesty's Government within

within the said Provinces respectively, within Days after the sealing of such Instrument as aforesaid for summoning and calling together such Assembly, and that such Writs shall be  
 20 directed to the respective Returning Officers of the said Districts, or Counties, or Circles, and Towns or Townships, and that such Writs shall be made returnable within Days at farthest from the Day on which they shall bear Date, unless it shall at any Time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors; and that Writs shall in like Manner and Form be issued for the Election of Members in the Case of any Vacancy which shall happen by the Death of the Person chosen, or by his being summoned to the Legislative Council of either Province, and that such Writs shall be made returnable within Days at farthest from the Day on which they shall bear Date, unless it shall at any Time be otherwise  
 21 provided by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors; and that in the Case of any such Vacancy which shall happen by the Death of the Person chosen, or by Reason of his being so summoned as aforesaid, the Writ for the Election of a new Member shall be issued within Days after the same shall be made known to the proper Office for issuing such Writs of Election.

And be it further Enacted by the Authority aforesaid, That all and every the Returning Officers so appointed as aforesaid, to whom any such Writs as aforesaid shall be directed, shall, and they are hereby authorized and required duly to execute such Writs.

And be it further Enacted by the Authority aforesaid, That the Members for the several Districts, or Counties, or Circles of the said Provinces respectively, shall be chosen by the Majority of such Persons as shall severally be possessed, for their own Use and Benefit, of Lands or Tenements within such District, or County, or Circle, as the Case shall be, such Lands being by them held in Freehold, or in Fief, or in Reture, or by Certificate  
 22 derived under the Authority of the Governor and Council of the Province of *Quebec*, and being of the Yearly Value of Sterling, or upwards, over and above all Rents and Charges payable out of or in respect of the same; and that the Members of the several Towns or Townships within the said Provinces respectively shall be chosen by the Majority of Votes of such Persons

sons as either shall severally be possessed, for their own Use and Benefit, of a Dwelling House and Lot of Ground in such Town or Township, such Dwelling House and Lot of Ground being by them held in like Manner as aforesaid, and being of the Yearly Value of Sterling, or upwards, or, as having been resident within the said Town or Township for the Space of Months next before the Date of the Writ of Summons for the Election, shall *bona fide* have paid Rent for the Dwelling House in which they shall have so resided, at the Rate of Sterling *per Annum*, or upwards.

**Provided** always, and be it further Enacted by the Authority <sup>23</sup> aforesaid, That no Person shall be capable of being elected a Member to serve in either of the said Assemblies, or of sitting or voting therein, who shall be a Member of either of the said Legislative Councils to be established as aforesaid in the said Two Provinces, or who shall be a Minister of the Church of *England*, or a Minister, Priest, or Ecclesiastic, either according to the Rites of the Church of *Rome*, or under any other Form or Profession of Religious Faith or Worship.

**Provided** also, and be it further Enacted by the Authority aforesaid, That no Person shall be capable of voting at any Election of a Member to serve in such Assembly, in either of the said Provinces, or of being elected at any such Election, who shall not be of the full Age of and a natural-born Subject of His Majesty, or a Subject of His Majesty naturalized by Act of the *British* Parliament, or a Subject of His Majesty, having become such by the Conquest and Cession of the Province of *Canada*.

**And** be it also Enacted by the Authority aforesaid, That no Person shall be capable of voting at any Election of a Member to serve in such Assembly, in either of the said Provinces, or of being elected at any such Election, who shall have been attainted <sup>24</sup> for Treason or Felony in any Court of Law within any of His Majesty's Dominions, or who shall be within any Description of Persons disqualified by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors.

**Provided** also, and be it further Enacted by the Authority aforesaid, That every Voter, before he is admitted to give his Vote at any such Election, shall, if required by any of the Candidates,  
C candidates,



tinue for                      Years from the Day of the Return of the Writs for chusing the same, and no longer, subject nevertheless to be sooner dissolved by the Governor or Lieutenant Governor of the Province, or Person administering His Majesty's Government therein.

And be it further Enacted by the Authority aforesaid, That all Questions which shall arise in the said Legislative Councils or Assemblies respectively shall be decided by the Majority of Voices of such Members as shall be present; and that in all Cases where the Voices shall be equal the Speaker of such Council or Assembly, as the Case shall be, shall have a casting Voice. 27

Provided always, and be it Enacted by the Authority aforesaid, That no Member, either of the Legislative Council or Assembly, in either of the said Provinces, shall be permitted to sit or to vote therein until he shall have taken and subscribed the following Oath, either before the Governor or Lieutenant Governor of such Province, or Person administering the Government therein, or before some Person or Persons authorized by the said Governor or Lieutenant Governor, or other Person as aforesaid, to administer such Oath, and that the same shall be administered in the *English* or *French* Language, as the Case shall require:

“ I A. B. do sincerely promise and swear, That I will be  
 “ faithful, and bear true Allegiance to His Majesty King  
 “ George, as lawful Sovereign of the Kingdom of Great 28  
 “ Britain, and of these Provinces dependant on and be-  
 “ longing to the said Kingdom; and that I will defend  
 “ him to the utmost of my Power against all traitorous  
 “ Conspiracies and Attempts whatever which shall be  
 “ made against his Person, Crown, and Dignity; and  
 “ that I will do my utmost Endeavour to disclose and  
 “ make known to His Majesty, His Heirs or Successors,  
 “ all Treasons and traitorous Conspiracies and Attempts,  
 “ which I shall know to be against Him, or any of  
 “ them.  
 “ And all this I do swear without any Equivocation,  
 “ mental Evasion, or secret Reservation, and renounc-  
 “ ing all Pardons and Dispensations from any Person or  
 “ Power whatever to the contrary.  
 “ So help me GOD.”

And

And be it further Enacted by the Authority aforesaid, That whenever any Bill which has been passed by the Legislative Council, and by the House of Assembly, in either of the said Provinces respectively, shall be presented, for His Majesty's Assent, to the Governor or Lieutenant Governor of such Province, or to the  
 29 Person administering His Majesty's Government therein, such Governor or Lieutenant Governor, or Person administering the Government, shall, and he is hereby authorized and required to declare, according to his Discretion, but subject nevertheless to the Provisions contained in this Act, and to such Instructions as may from Time to Time be given in that Behalf by His Majesty, His Heirs or Successors, that he assents to such Bill in His Majesty's Name, or that he withholds His Majesty's Assent from such Bill, or that he reserves such Bill until His Majesty's Pleasure shall be signified thereon.

And be it further Enacted by the Authority aforesaid, That no such Bill, which shall be so reserved for the Signification of His Majesty's Pleasure thereon, shall have any Force or Authority within the Province until such Governor or Lieutenant Governor, or Person administering the Government, shall signify, either by Speech or Message, to the Legislative Council and Assembly of such Province, or by Proclamation, that such Bill has been laid before His Majesty in Council, and that His Ma-  
 30 jesty has been pleased to assent to the same; and that an Entry shall be made, in the Journals of the said Legislative Council, of every such Speech, Message, or Proclamation; and a Duplicate thereof, duly attested, shall be delivered to the proper Officer, to be kept amongst the public Records of the Province.

And be it further Enacted by the Authority aforesaid, That all Laws, Statutes, and Ordinances now in Force in the said Provinces, or in either of them, or in any Part thereof respectively, shall remain and continue to be of the same Force, Authority, and Effect in each of the said Provinces respectively, as before the passing of this Act, except in so far as the same are expressly repealed or varied by this Act, or in so far as the same shall or may hereafter, by virtue of and under the Authority of this Act, be repealed or varied by His Majesty, His Heirs or Successors, by and with the Advice and Consent of the Legislative Councils and Assemblies of the said Provinces respectively, or in so far as the same may be repealed or varied by such temporary Laws or Ordinances as may be made in the Manner hereinafter specified.

Provides



Provided always, and be it further Enacted by the Authority  
aforesaid, That in every Case in which, by virtue of the said  
Laws, Statutes, and Ordinances, or any of them, an Appeal now  
lies to His Majesty in Council from the Judgment of any Court  
of Law or Equity within the said Provinces, or either of them  
respectively, it shall and may be lawful to and for any of the  
Parties in such Case, if he, she, or they shall think fit, to appeal  
from the Judgment of the King in Council to His Majesty in  
His Parliament of *Great Britain*; and that such Appeal, being so  
brought, shall be entertained, heard, and adjudged in the same  
Manner and Form as Appeals brought before the King in Par-  
liament, from any Court within this Kingdom from which such  
an Appeal doth lie; and that the Judgment of His Majesty in  
His said Parliament, on every such Appeal, shall be final and  
conclusive to all Intents and Purposes whatever.

And whereas, by the above-mentioned Act, passed in the Four-  
teenth Year of the Reign of His present Majesty, it was de-  
clared, that the Clergy of the Church of *Rome*, in the Province  
of *Quebec*, might hold, receive, and enjoy their accustomed Dues  
and Rights, with respect to such Persons only as should profess  
the said Religion; provided nevertheless, that it shall be lawful  
for His Majesty, His Heirs or Successors, to make such Provision  
out of the rest of the said accustomed Dues and Rights, for the  
Encouragement of the Protestant Religion, and for the Main-  
tenance and Support of a Protestant Clergy within the said Pro-  
vince, as he or they should from Time to Time think necessary and  
expedient: And whereas by His Majesty's Royal Instructions, given  
under His Majesty's Royal Sign Manual on the Third Day of *Ja-*  
*nuary*, in the Year of our Lord One thousand Seven hundred and  
Seventy-five, to *Guy Carleton*, Esquire, now Lord *Dorchester*, at  
that Time His Majesty's Captain General and Governor in  
Chief in and over His Majesty's Province of *Quebec*, His Ma-  
jesty was pleased, amongst other Things, to direct, " that no In-  
cumbent professing the Religion of the Church of *Rome*, ap-  
pointed to any Parish in the said Province, should be entitled  
to receive any Tythes for Lands or Possessions occupied by a  
Protestant, but that such Tythes should be received by such  
Persons as the said *Guy Carleton*, Esquire, His Majesty's Cap-  
tain General and Governor in Chief in and over His Ma-  
jesty's said Province of *Quebec*, should appoint, and should be  
reserved in the Hands of His Majesty's Receiver General of  
the said Province, for the Support of a Protestant Clergy.

- " in His Majesty's said Province, to be actually resident within  
 33 " the same, and not otherwise, according to such Directions  
 " as the said *Guy Carleton*, Esquire, His Majesty's Cap-  
 " tain General and Governor in Chief in and over His Ma-  
 " jesty's said Province should receive from His Majesty in  
 " that Behalf; and that in like Manner all growing Rents  
 " and Profits of a vacant Benefice should, during such  
 " Vacancy, be reserved for and applied to the like Uses :"  
 And whereas His Majesty's Pleasure has likewise been sig-  
 nified to the same Effect in His Majesty's Royal Instructions,  
 given in like Manner to Sir *Frederick Haldimand*, Knight of the  
 most Honourable Order of the Bath, late His Majesty's Captain  
 General and Governor in Chief in and over His Majesty's said  
 Province of *Quebec*; and also in His Majesty's Royal Instructions,  
 given in like Manner to the said Right honourable *Guy Lord*  
*Dorchester*, now His Majesty's Captain General and Governor in  
 Chief in and over His Majesty's said Province of *Quebec*: Be it  
 34 Enacted by the Authority aforesaid, That the said Declaration  
 and Provision contained in the said above-mentioned Act, and  
 also the said Provision so made by His Majesty in consequence  
 thereof, by His Instructions above recited, shall remain and con-  
 tinue to be of full Force and Effect in each of the said Two  
 Provinces of *Upper* and *Lower Canada* respectively, as to such Part  
 or Parts of the said Two Provinces respectively as had been  
 granted, by or under the Authority of the *French King*, to any  
 Individual or Individuals, or to any Body or Bodies Corporate  
 or Politic, Ecclesiastical or Civil, previously to the Conquest and  
 Cession of the Province of *Canada*, except in so far as the  
 said Declaration or Provisions respectively, or any Part thereof,  
 shall be expressly varied or repealed by any Act or Acts which  
 may be passed by the Legislative Council and Assembly of the  
 35 said Provinces respectively, and assented to by His Majesty, His  
 Heirs or Successors, under the Restriction hereinafter pro-  
 vided.

And whereas His Majesty has been graciously pleased, by  
 Message to both Houses of Parliament, to express His Royal  
 Desire to be enabled to make a permanent Appropriation of  
 Lands in the said Provinces, for the Support and Maintenance  
 of a Protestant Clergy within the same, in Proportion to such  
 Lands as have been already granted within the same by His  
 Majesty: And whereas His Majesty has been graciously pleased,  
 by His said Message, further to signify His Royal Desire that  
 such Provision may be made, with respect to all future Grants of  
 Land

Land within the said Provinces respectively, as may best conduce to the due and sufficient Support and Maintenance of a Protestant Clergy within the said Provinces, in Proportion to such Increase as may happen in the Population and Cultivation thereof: **There-** 36  
**fore,** for the Purpose of more effectually fulfilling His Majesty's gracious Intentions as aforesaid, and of providing for the due Execution of the same in all Time to come, **Be it Enacted** by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, to make, from and out of the Lands of the Crown within such Provinces, such Allotment and Appropriation of Lands, for the Support and Maintenance of a Protestant Clergy within the same, as may bear a due Proportion to the Amount of such Lands within the same as have at any Time been granted by or under the Authority of His Majesty: And that whenever any Grant of Lands within either of 37  
the said Provinces shall hereafter be made, by or under the Authority of His Majesty, His Heirs or Successors, there shall at the same Time be made, in respect of the same, a proportionable Allotment and Appropriation of Lands for the above-mentioned Purpose, within the Township or Parish to which such Lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as Circumstances will admit; and that no such Grant shall be valid or effectual unless the same shall contain a Specification of the Lands so allotted and appropriated, in respect of the Lands to be thereby granted; and that such Lands, so allotted and appropriated, shall be, as nearly as the Circumstances and Nature of the Case will admit, of the like Quality as the Lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at 38  
the Time of making such Grant, equal in Value to the Part of the Lands so granted.

**And be it further Enacted** by the Authority aforesaid, That all and every the Rents, Profits, or Emoluments, which may at any Time arise from such Lands so allotted and appropriated as aforesaid, shall be applicable solely to the Maintenance and Support of a Protestant Clergy within the Province in which the same shall be situated, and to no other Use or Purpose whatever.

**And be it further Enacted** by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors,

cessors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, from Time to Time, with the Advice of such Executive Council as shall have been appointed  
 39 by His Majesty, His Heirs or Successors, within such Province, for the Affairs thereof, to constitute and erect, within every Township or Parish which now is or hereafter may be formed, constituted, or erected within such Province, One or more Parsonage or Rectory, or Parsonages or Rectories, according to the Establishment of the Church of *England*; and by an Instrument under the Great Seal of such Province to endow every such Parsonage or Rectory with so much or such Part of the Lands so allotted and appropriated as aforesaid, in respect of any Lands within such Township or Parish, which shall have been granted subsequent to the Commencement of this Act, or of such Lands as may have been allotted and appropriated for the same Purpose, by or in virtue of any Instruction which may be given by His Majesty, in respect of any Lands granted before the Commence-  
 40 ment of this Act, as such Governor, Lieutenant Governor, or Person administering the Government, shall, with the Advice of the said Executive Council, judge to be expedient under the then existing Circumstances of such Township or Parish; and that such Lands, with which such Parsonage or Rectory shall be so endowed, shall be held and taken to be in lieu of all Claims or Demands of Tythes, for or in respect of the Lands so granted, or any Part thereof.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor, Lieutenant Governor, or Person administering the Government of each of the said Provinces respectively, to present to every such Parsonage or Rectory an Incumbent or Minister of the Church of *England*, who shall have been duly ordained according to the Rites of the said  
 41 Church, and to supply from Time to Time such Vacancies as may happen therein; and that every Person so presented to any such Parsonage or Rectory, shall hold and enjoy the same, and all Rights, Profits, and Emoluments thereunto belonging or granted, as fully and amply, and in the same Manner, and on the same Terms and Conditions, and liable to the Performance of the same Duties, as the Incumbent of a Parsonage or Rectory in *Eng-land*.

Prohibes

**Provided** always, and be it further Enacted by the Authority aforesaid, That every such Presentation of an Incumbent or Minister to any such Parsonage or Rectory, and also the Enjoyment of any such Parsonage or Rectory, and of the Rights, Profits, and Emoluments thereof, by any such Incumbent or Minister, shall be subject and liable to all Rights of Institution, and all other Spiritual and Ecclesiastical Jurisdiction and Authority, which have been lawfully granted by His Majesty's Royal Letters Patent to the Bishop of *Nova Scotia*, or which may hereafter, by His Majesty's Royal Authority, be lawfully granted or appointed to be administered and executed within the said Provinces, or either of them respectively, by the said Bishop of *Nova Scotia*, or by any other Person or Persons, according to the Laws and Canons of the Church of *England*, which are lawfully made and received in *England*. 42

**Provided** always, and be it further Enacted by the Authority aforesaid, That the several Provisions hereinbefore contained, respecting the Allotment and Appropriation of Lands for the Support of a Protestant Clergy within the said Provinces, and also respecting the constituting, erecting, and endowing Parsonages or Rectories within the said Provinces, and also respecting the Appointment of Incumbents or Ministers to the same, and also respecting the Manner in which such Incumbents or Ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express Provisions for that Purpose, contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, under the Restriction hereinafter provided. 43

**Provided** nevertheless, and be it further Enacted by the Authority aforesaid, That whenever any Act or Acts shall be passed by the Legislative Council and Assembly of either of the said Provinces, containing any Provisions to vary or repeal the above-recited Declaration and Provision contained in the said Act passed in the Fourteenth Year of the Reign of His present Majesty; or to vary or repeal the above-recited Provision contained in His Majesty's Royal Instructions, given on the Third Day of *January*, in the Year of our Lord One thousand Seven hundred and Seventy-five, to the said *Guy Carleton*, Esquire, now Lord *Dorchester*; or to vary or repeal the Provisions hereinbefore contained for continuing the Force and Effect of the said Declaration and Provisions; 44

visions; or to vary or repeal any of the several Provisions hereinbefore contained respecting the Allotment and Appropriation of Lands for the Support of a Protestant Clergy within the said Provinces; or respecting the constituting, erecting, or endowing Parishes, or Rectories within the said Provinces; or respecting the Appointment of Incumbents or Ministers to the same; or respecting the Manner in which such Incumbents or Ministers shall hold the same: And also that whenever any Act or Acts shall be so passed, containing any Provisions which shall in any Manner relate to or affect the Enjoyment or Exercise of any Religious Form or Mode of Worship; or shall impose or create 45 any Penalties, Burthens, Disabilities, or Disqualifications in respect of the same; or shall in any Manner relate to or affect the Payment, Recovery, or Enjoyment of any of the accustomed Dues or Rights hereinbefore mentioned; or shall in any Manner relate to the granting, imposing, or recovering any other Dues, or Stipends, or Emoluments whatever, to be paid to or for the Use of any Minister, Priest, Ecclesiastic, or Teacher, according to any Religious Form or Mode of Worship, in respect of his said Office or Function; or shall in any Manner relate to or affect the Establishment or Discipline of the Church of England, amongst the Ministers and Members thereof within the said Provinces; or shall in any Manner relate to or affect the King's Prerogative touching the granting the Waste Lands of the Crown within the said Provinces; every such Act or Acts shall, previous to any Declaration or Signification of the King's Assent thereto, be laid 46 before both Houses of Parliament in *Great Britain*; and that it shall not be lawful for His Majesty, His Heirs or Successors, to signify His or their Assent to any such Act or Acts, until Days after the same shall have been laid before the said Houses, or to assent to any such Act or Acts, in case either House of Parliament shall, within the said Days, address His Majesty, His Heirs or Successors, to refuse His or their Assent to such Act or Acts; and that no such Act shall be valid or effectual to any of the said Purposes, within either of the said Provinces, unless the Legislative Council and Assembly of such Province shall, in the Session in which the same shall have been passed by them, have presented to the Governor, Lieutenant Governor, or Person administering the Government of such Province, an Address or Addresses, specifying that such Act contains Provisions for some of the said Purposes hereinbefore specially described, and desiring that, in order to give Effect to the same, 47 such Act should be transmitted to *England* without Delay, for the



the Purpose of being laid before Parliament previous to the Signification of His Majesty's Assent thereto.

And be it further Enacted by the Authority aforesaid, That all Lands which shall be hereafter granted within the said Province of *Upper Canada* shall be granted in Free and Common Soccage; and that in every Case where Lands shall be hereafter granted within the said Province of *Lower Canada*, and where the Grantee thereof shall desire the same to be granted in Free and Common Soccage, the same shall be so granted.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons holding any Lands in the said Province of *Upper Canada*, by virtue of any Certificate of Occupation derived under the Authority of the Governor and Council of the Province of *Quebec*, and having Power and Authority to alienate the same, shall at any Time, from and after the Commencement of this Act, surrender the same into the Hands of His Majesty, 48  
His Heirs or Successors, by Petition to the Governor or Lieutenant Governor, or Person administering the Government of the said Province, setting forth that he, she, or they is or are desirous of holding the same in Free and Common Soccage, such Governor or Lieutenant Governor, or Person administering the Government, shall thereupon cause a fresh Grant to be made to such Person or Persons of such Lands, to be holden in Free and Common Soccage.

Provided nevertheless, and be it Enacted by the Authority aforesaid, That such Surrender and Grant shall not avoid or bar any Right or Title to any such Lands so surrendered, or any Interest in the same, to which any Person or Persons (other than the Person or Persons surrendering the same) shall have been entitled, either in Possession, Remainder, or Reversion, or otherwise, at the Time of such Surrender; but that every such Surrender and Grant shall be made subject to every such Right, Title, and Interest, and that every such Right, Title, or Interest shall be as valid and effectual as if such Surrender and Grant had never been made. 49

And whereas by an Act passed in the Eighteenth Year of the Reign of His present Majesty, intituled "An Act for removing all Doubts and Apprehensions concerning Taxation by the Parliament of *Great Britain*, in any of the Colonies, Provinces, and Plantations in *North America* and the *West Indies*; and  
" for

“ for repealing so much of an Act, made in the Seventh Year of  
 “ the Reign of His present Majesty, as imposes a Duty on Tea  
 “ imported from *Great Britain* into any Colony or Plantation  
 “ in *America*, or relates thereto,” it has been declared, “ that  
 “ the King and Parliament of *Great Britain* will not impose any  
 “ Duty, Tax, or Assessment whatever, payable in any of His  
 “ Majesty’s Colonies, Provinces, and Plantations in *North Ame-*  
 50 “ *rica*, or the *West Indies*, except only such Duties as it may be  
 “ expedient to impose for the Regulation of Commerce, the net  
 “ Produce of such Duties to be always paid and applied to and  
 “ for the Use of the Colony, Province, or Plantation in which the  
 “ same shall be respectively levied, in such Manner as other Du-  
 “ ties collected by the Authority of the respective General Courts  
 “ or General Assemblies of such Colonies, Provinces, or Plan-  
 “ tations, are ordinarily paid and applied:” And whereas it is  
 necessary, for the general Benefit of the *British* Empire, that  
 such Power of Regulation of Commerce should continue to  
 be exercised by His Majesty, His Heirs or Successors, and the  
 Parliament of *Great Britain*, subject nevertheless to the Con-  
 dition hereinbefore recited, with respect to the Applica-  
 tion of any Duties which may be imposed for that Purpose:  
 Be it therefore Enacted by the Authority aforesaid, That  
 nothing in this Act contained shall extend, or be construed to  
 51 extend, to prevent or affect the due Execution of any Law which  
 hath been or shall at any Time be made by His Majesty, His  
 Heirs or Successors, and the Parliament of *Great Britain*, for  
 establishing Regulations or Prohibitions, or for imposing,  
 levying, or collecting Duties for the Regulation of Commerce  
 and Navigation, or to give to His Majesty, His Heirs or  
 Successors, by and with the Advice and Consent of such Le-  
 gislative Councils and Assemblies respectively, any Power or  
 Authority to vary or repeal any such Law or Laws, or any  
 Part thereof, or in any Manner to prevent or obstruct the Exe-  
 cution thereof.

Provided always, and be it Enacted by the Authority afore-  
 said, That the whole Amount and Produce of all Duties which  
 shall be so imposed shall at all Times hereafter be applied to  
 and for the Use of each of the said Provinces respectively, and  
 in such Manner only as shall be directed by any Law or Laws  
 which may be made by His Majesty, His Heirs or Successors, by  
 52 and with the Advice and Consent of the Legislative Council and  
 Assembly of such Province.

And

And whereas, by Reason of the Distance of the said Provinces from this Country, and of the Change to be made by this Act in the Government thereof, it may be necessary that there should be some Interval of Time between the Notification of this Act to the said Provinces respectively, and the Day of its Commencement within the said Provinces respectively: **Be it therefore Enacted** by the Authority aforesaid, That it shall and may be lawful for His Majesty, with the Advice of His Privy Council, to fix and declare, or to authorize the Governor or Lieutenant Governor of the Province of *Quebec*, or the Person administering the Government there, to fix and declare the Day of the Commencement of this Act within the said Provinces respectively, provided that such Day shall not be later than the

**And be it further Enacted** by the Authority aforesaid, That the Time to be fixed by His Majesty, His Heirs or Successors, or, under His or their Authority, by the Governor, Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, for issuing the Writs of Summons and Election, and calling together the Legislative Councils and Assemblies of each of the said Provinces respectively, shall not be later than the

**Provided always, and be it further Enacted** by the Authority aforesaid, That during such Interval as may happen between the Commencement of this Act within the said Provinces respectively and the First Meeting of the Legislative Council and Assembly of each of the said Provinces respectively, it shall and may be lawful for the Governor or Lieutenant Governor of such Province, or for the Person administering the Government therein, with the Consent of the major Part of such Executive Council as shall be appointed by His Majesty for the Affairs of such Province, to make temporary Laws and Ordinances for the good Government, Peace, and Welfare of such Province, in the same Manner, and under the same Restrictions, as such Laws or Ordinances might have been made by the Council for the Affairs of the Province of *Quebec*, constituted by virtue of the above-mentioned Act of the Fourteenth Year of the Reign of His present Majesty; and that such temporary Laws or Ordinances shall be valid and binding within such Province, until the Expiration of Months after the Legislative Council and Assembly of such

such Province shall have been first assembled by virtue of and under the Authority of this Act, subject nevertheless to be sooner repealed or varied by any Law or Laws which may be made by His Majesty, His Heirs or Successors, by and with the Advice and Consent of the said Legislative Council and Assembly.

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